

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
HECTOR RIVERA-COLON,

Plaintiff,

-v-

ROBERT ELISEO, et al.,

Defendants.

CIVIL ACTION NO.: 21 Civ. 1667 (SLC)

**ORDER TO SUBMIT SETTLEMENT
MATERIALS**

SARAH L. CAVE, United States Magistrate Judge.

Following a settlement conference on June 25, 2021, the parties reached a settlement. (ECF minute entry June 25, 2021; see ECF No. 26). On July 27, 2021, the parties consented to the jurisdiction of a United States Magistrate Judge for all purposes. (ECF No. 31).

This case contains one or more claims arising under the Fair Labor Standards Act. In light of the requirements of Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015), the parties must file a joint Letter-Motion that addresses whether the settlement is fair and reasonable.

The parties must file their Letter-Motion by **Wednesday, August 11, 2021**, and should address the claims and defenses, the defendants' potential monetary exposure and the bases for any such calculations, the strengths and weaknesses of the plaintiff's case and the defendants' defenses, any other factors that justify the discrepancy between the potential value of plaintiff's claims and the settlement amount, the litigation and negotiation process, as well as any other issues that might be pertinent to the question of whether the settlement is reasonable (for example, the collectability of any judgment if the case went to trial).

The joint Letter-Motion should also explain the attorney fee arrangement, attach a copy of any retainer agreement, and provide information as to actual attorneys' fees expended (including billing records and costs documentation). Finally, a copy of the settlement agreement itself must accompany the joint Letter-Motion.

Dated: New York, New York
July 28, 2021

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge